
DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination To Remove Three Palau Birds From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service removes the Palau fantail flycatcher (*Rhipidura lepida*), the Palau ground-dove (*Gallicolumba canifrons*), and the Palau owl (*Pyrroglaux* (= *Otus*) *podargina*) from the protection of the Endangered Species Act of 1973, as amended. This action is being taken because these species are distributed throughout their former range at near original abundances and are faced with no foreseeable threat. They suffered reductions in populations in southern Palau during World War II but they have increased in these areas since then.

DATES: The effective date of this rule is October 15, 1985.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1632, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT:

Mr. Wayne S. White, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:**Background***Palau Fantail Flycatcher or Melindelebleb*

The fantail flycatcher (*Rhipidura lepidu*), of the family Muscicapidae, is an Old World flycatcher that was first described in 1868 by Hartlaub and Finsch. It is presently distributed uniformly throughout its former range and is found on all the major and many of the smaller islands from Babeldaob to Peleliu. The fantail is common in all forest types except mangrove, and shows a preference for mixed second-growth stands with a thick and well developed understory. Early accounts suggest the fantail was common in the mid-1800's (Finsch 1875), rare in 1931 (Coultas in Baker 1951), and uncommon in 1945 on islands damaged by World War II (Baker 1951). Surveys completed by the Trust Territory Conservation Office in 1977-79 show that the fantail is common and widespread, and in fact is now most abundant on Peleliu, an island that was heavily damaged during the war. Observations by visiting ornithologists in the 1970's confirm the general abundance of the fantail throughout the islands (Pratt *et al.* 1980).

Palau Ground-Dove, or Omekrengukl

The Palau ground-dove (*Gallicolumba canifrons*), described by Hartlaub and Finsch in 1872, inhabits dense to open forest of rocky limestone substrates. Its historical and present range includes the many limestone islands from Koror to Angaur. A few birds also have been recorded from the large volcanic island of Babeldaob. Past accounts indicate the dove has always been uncommon, particularly on war-damaged islands after World War II (Baker 1951). Accurate assessments of the ground-dove's status are hindered by its inaccessible habitat, low density, secretive nature and soft and infrequently voiced call. In surveys conducted by the Trust Territory Conservation Office from 1977-79, the dove was found to be uncommon but widespread within its range in the limestone islands. Island populations that were depressed in 1945 have recovered. A minimum of 15 birds was estimated to remain on Peleliu in 1945 (Baker 1951), but the recent survey shows a population of over 150 on that

one island. The total population is estimated at a minimum of 500 birds, which is thought to be near the level before the arrival of man on these islands.

Though the dove is uncommon to rare, its low density is apparently natural and probably due to the living requirements of the species. There appear to be no imminent threats to the population. The many limestone islands that constitute the primary range are a *de facto* refuge. The ground-dove's small size, inaccessible habitat, secretive nature and low, scattered numbers all make the dove unsought as a game species.

Palau Owl or Chesuch

The Palau Owl (*Pyrroglaux* (= *Otus*) *podargina*), described by Hartlaub and Finsch in 1872, resides in all forest types, including mangroves, and is abundant on all the major islands from Babeldaob to Peleliu. The owl is a vocal species, and can be readily located by its loud and persistent calls that are voiced during the night. It has always been reported as common, though immediately after World War II the owl was rare on islands of southern Palau affected by the war (Marshall 1949, Baker 1951). It was thought that the owl continued to decrease after World War II, possibly as a result of its feeding on the introduced coconut rhinoceros beetle (*Oryctes rhinoceros*), but since the 1960's the owl has steadily increased in numbers (Owen in Pratt *et al.* 1980). (A beetle control program was started in the 1950's and has been effective in reducing the total number of beetles now available to the owl. The beetle apparently is sometimes swallowed whole and may kill the owl by piercing its stomach.) Today, the owl is found in high densities. On Peleliu only 4 pairs could be located in 1945; the population in 1978 was estimated at over 300 on this island, and over 10,000 throughout the archipelago. The population appears to be secure and stable.

None of these species is sought as a game species, and none are especially sought after by humans. In the past, all three species have been protected by Trust Territory laws. These laws are slated to be adopted by the new government of Palau upon termination of the Trust. The new constitution of Palau bans personal possession of firearms, making it illegal to hunt with firearms. The forest habitat for these species is relatively secure. The high islands should remain in a natural state; these generally have poor access, are precipitous, and have a rocky substrate that is unsuitable for agriculture or other types of development. On the main island of Babeldaob, a more extensive

road system is planned, but a major portion of the island should remain in a forested condition. Populations of all three species do not appear to be threatened by disease, predation, or other natural or manmade factors.

The Palau fantail flycatcher, Palau ground-dove, and Palau owl were classified as endangered June 2, 1970 (35 FR 8495). No critical habitat has been designated. Based on recent status information, a rule was proposed to delist these three species on September 19, 1984 (49 FR 36665).

Summary of Comments and Recommendations

In the proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute in the development of a final rule. Appropriate Republic of Palau agencies, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *Pacific Daily News* on November 6, 1984, which invited general public comment. Two comments were received and are discussed below.

The former Chief Conservationist for the Trust Territory Conservation Office, Robert P. Owen, submitted comments supporting delisting the three Palau species. He stated that the original listing was based on surveys of southern Palau completed by military ornithologists a short time after U.S. forces had invaded Angaur and Peleliu. These invasions caused serious destruction of the vegetation and wildlife. No surveys were made of central or northern Palau at that time because those islands were still being held by the Japanese forces. Owen first went to Peleliu and Angaur in 1949, 5 years after the invasion and 4 years after the military survey. Native bird life was still scarce compared with the rest of Palau and the destroyed vegetation was just beginning to recover. He frequently visited these islands in following years, and believes that the vegetation and bird life have returned to normal.

Dr. H. Douglas Pratt, Research associate at Louisiana State University, also supported delisting the three Palau species. He has made intensive studies of the birds of these and other western Pacific islands. He believes that these birds are very likely at the carrying capacity of their habitats and that these habitats are under no presently foreseeable threat. He knows of no management measures that could

conceivably increase the populations of these three species over present levels.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Palau fantail flycatcher, the Palau ground-dove, and the Palau owl should be removed from the protection of the Endangered Species Act of 1973, as amended. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). The data used to support a removal must be the best scientific and commercial data available to substantiate that the species is neither endangered nor threatened. Factors leading to delisting include extinction, recovery of the species, or the original data for classification were in error. The factors in section 4(a)(1) and their application to the Palau fantail flycatcher (*Rhipidura lepida*), the Palau ground-dove (*Gallicolumba canifrons*), and the Palau owl (*Pyrroglaux*) (= *Otus podargina*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The three Palau birds are all forest species. About 75 percent of Palau is forested, and much of this forest should remain intact in future years, particularly on the many small, inaccessible islands between Koror and Peleliu. Despite relatively rapid development at present, much of the growth is concentrated around the capital of Koror and on the upper savannas of Babeldaob, where there has always been little forest habitat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* None of the three Palau birds are utilized for these purposes. Occasionally, the Palau owl is taken for a pet, and the Palau ground-dove is taken incidental to hunting for the Micronesian pigeon (*Ducula oceanica*). These losses are few and are not considered a threat to the population.

C. *Disease or predation.* Populations of all three species appear to be stable, and neither disease nor predation is thought to pose a threat at present.

D. *The inadequacy of existing regulatory mechanisms.* All three species are protected by local regulations. Recently a ban on personal possession of firearms was enacted in Palau, which may further reduce any

illegal taking of these and other bird species.

E. *Other natural or manmade factors affecting its continued existence.* There are no other known factors that are affecting the continued existence of the three Palau species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to make this rule final. All three species appear to have recovered on islands damaged during World War II. The original status information was meager and more recent and complete information is now available. These three Palau species are presently distributed throughout their former habitat and have stable populations that survive at or near their respective carrying capacities. Thus, they no longer meet the definitions of threatened or endangered species. Based on this evaluation, the Service delists the Palau fantail flycatcher, Palau ground-dove, and Palau owl.

Effects of Rule

The rule merely acknowledges that the Palau fantail flycatcher, Palau ground-dove, and Palau owl are not threatened with becoming endangered or in danger of extinction and that further protection under the Act is not required. Those prohibitions and conservation measures under the Act, sections 7 and 9 in particular, are no longer applicable to these species. As there were no specific preservation or conservation measures for these species in effect, there will be no impact on any agency or individuals.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

Literature Cited

- Baker, R.H. 1951. The avifauna of Micronesia, its origin, evolution, and distribution. Univ. Kansas Publ. Mus. Nat. Hist. 3(1):1-359.
 Finsch, O. 1875. On the ornithology of the South Sea islands. Vol. 1. The birds of the Palau Islands. Journal of the Godeffroy Museum: 8:1-51. (in German)
 Hartlaub, G., and O. Finsch. 1868. On a collection of birds from the Pelew Islands. Proc. Zool. Soc. London: 4-9.

Hartlaub, G., and O. Finsch. 1872. On a fourth collection of birds from the Pelew and Mackenzie Islands. Proc. Zool. Soc. London: 87-114.

Marshall, J.T., Jr. 1949. The endemic avifauna of Saipan, Tinian, Guam, and Palau. Condor 51:200-221.

Pratt, H.D., J. Engbring, P.L. Bruner, and D.G. Berret. 1980. Notes on the taxonomy, natural history, and status of the resident birds of Palau. Condor 82:117-131.

Author

The primary author of this final rule is John Engbring, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, P.O. Box 50167, Honolulu, Hawaii 96850 (808/546-7530).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine Mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.11 [Amended]

2. Amend § 17.11(h) by removing the following, found in alphabetical order under BIRDS, from the List of Endangered and Threatened Wildlife: Dove, Palau ground; Flycatcher, Palau fantail; and Owl, Palau.

Dated: August 27, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

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